

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANTHONY WOMICK,)
)
Plaintiff,)
)
vs.) **Case No. 21-cv-574-DWD**
)
THE KROGER CO.,)
)
Defendant.)

MEMORANDUM & ORDER

DUGAN, District Judge:

In a July 9, 2021 order, the Court disclosed that the undersigned had a prior financial agreement with the law firm representing Plaintiff Anthony Womick. The financial agreement is no longer in existence, and the Court explained that it has no financial interest in the outcome of this action. Nonetheless, the Court asked the parties to confer regarding their positions on the disclosure ahead of the scheduling conference, which is currently set for August 10, 2021.

By motion dated August 3, 2021, Defendant, with no objection from Plaintiff, asks the undersigned to recuse himself from presiding over this action. In support thereof, Defendant suggests that a well-informed observer might reasonably question the Court's impartiality even though there is nothing to suggest the presence of actual bias or of an actual financial interest. The Court appreciates the candor from defense counsel about their concerns.

Typically, to secure recusal under 28 U.S.C. § 455(a), a party must demonstrate that “an objective, disinterested observer fully informed of the reasons for seeking recusal would ‘entertain a significant doubt that justice would be done in the case.’” *United States v. Simon*, 937 F.3d 820, 826 (7th Cir. 2019)(quoting *United States v. Herrera-Valdez*, 826 F.3d 912, 917 (7th Cir. 2016)). While the undersigned does not perceive any actual or potential conflict or appearance of partiality or bias due to a now non-existent financial relationship with Plaintiff’s counsel, the Court will recuse from presiding over this action in order to ensure that there is no appearance of potential bias or partiality as Defendant, without objection from Plaintiff, requests.

Defendant’s consent motion for recusal (Doc. 22) is **GRANTED**. The scheduling conference set for August 10, 2021, is **CANCELED**. The Court will enter a formal order of recusal in short order.

SO ORDERED.

Dated: August 6, 2021



The image shows a handwritten signature of "David W. Dugan" in black ink, positioned above the circular seal of the United States District Court for the Southern District of Illinois. The seal features an eagle with wings spread, perched atop a shield, with the words "UNITED STATES DISTRICT COURT" at the top and "SOUTHERN DISTRICT OF ILLINOIS" around the bottom edge.

DAVID W. DUGAN
United States District Judge